

115 Stat. 1733; amended Pub. L. 107-279, title IV, § 404(d)(5)(B), Nov. 5, 2002, 116 Stat. 1986; renumbered § 3202 and amended Pub. L. 114-95, title III, §§ 3001(5)(C), 3004(b), Dec. 10, 2015, 129 Stat. 1953, 1965.)

#### PRIOR PROVISIONS

A prior section 3202 of Pub. L. 89-10 was classified to section 6892 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 3202 of Pub. L. 89-10 was classified to section 6892 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

#### AMENDMENTS

2015—Pub. L. 114-95, § 3004(b)(1), designated existing provisions as subsec. (a) and substituted “English learners” for “limited English proficient children” in introductory provisions.

Subsec. (a)(4)(A). Pub. L. 114-95, § 3004(b)(2)(A), substituted “English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners” for “limited English proficient children”.

Subsec. (a)(4)(B). Pub. L. 114-95, § 3004(b)(2)(B), substituted “English learners” for “limited English proficient children”.

Subsec. (b). Pub. L. 114-95, § 3004(b)(3), added subsec. (b).

2002—Par. (1). Pub. L. 107-279 substituted “Institute of Education Sciences” for “Office of Educational Research and Improvement”.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

### § 7014. Regulations

In developing regulations under this subchapter, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

(Pub. L. 89-10, title III, § 3203, formerly § 3304, as added Pub. L. 107-110, title III, § 301, Jan. 8, 2002, 115 Stat. 1734; renumbered § 3203 and amended Pub. L. 114-95, title III, §§ 3001(5)(C), 3004(c), Dec. 10, 2015, 129 Stat. 1953, 1965.)

#### PRIOR PROVISIONS

A prior section 3203 of Pub. L. 89-10 was classified to section 6893 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 3203 of Pub. L. 89-10 was classified to section 6893 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

#### AMENDMENTS

2015—Pub. L. 114-95, § 3004(c), substituted “representing English learners” for “representing limited English proficient individuals” and “education of English learners” for “education of limited English proficient children”.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

## SUBCHAPTER IV—21ST CENTURY SCHOOLS

### CODIFICATION

Title IV of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title IV is shown, herein, as having been added by Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. See Codification note preceding section 6301 of this title.

### PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

### CODIFICATION

Pub. L. 114-95, title IV, § 4001(a)(5)(A), Dec. 10, 2015, 129 Stat. 1966, substituted “Student Support and Academic Enrichment Grants” for “Safe and Drug-Free Schools and Communities” in part heading.

### § 7101. General provisions

#### (a) Parental consent

##### (1) In general

##### (A) Informed written consent

A State, local educational agency, or other entity receiving funds under this subchapter shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this subchapter and conducted in connection with an elementary school or secondary school under this subchapter.

##### (B) Contents

Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last.

##### (C) Limitation

The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 1232g of this title.

##### (2) Exception

Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—

(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or

(B) other instances in which an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of—

(i) a child whose parent has not responded to the notice described in paragraph (1)(B); or

(ii) a child who has attained 14 years of age and is an unaccompanied youth, as defined in section 11434a of title 42.

**(b) Prohibited use of funds**

No funds under this subchapter may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

**(c) Prohibition on mandatory medication**

No child shall be required to obtain a prescription for a controlled substance, as defined in section 802 of title 21 as a condition of—

- (1) receiving an evaluation or other service described under this subchapter; or
- (2) attending a school receiving assistance under this subchapter.

(Pub. L. 89–10, title IV, § 4001, as added Pub. L. 114–95, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1967.)

**PRIOR PROVISIONS**

A prior section 7101, Pub. L. 89–10, title IV, § 4001, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, provided that this part could be cited as the “Safe and Drug-Free Schools and Communities Act”, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 7101, Pub. L. 89–10, title IV, § 4001, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3672, set forth short title of subchapter as the “Safe and Drug-Free Schools and Communities Act of 1994”, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4001 of Pub. L. 89–10 was classified to section 3041 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

**EFFECTIVE DATE**

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

**§§ 7102, 7103. Repealed. Pub. L. 114–95, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1967**

Section 7102, Pub. L. 89–10, title IV, § 4002, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, related to purpose of this part.

A prior section 7102, Pub. L. 89–10, title IV, § 4002, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3672, set forth findings, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4002 of Pub. L. 89–10 was classified to section 3042 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7103, Pub. L. 89–10, title IV, § 4003, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, authorized appropriations for fiscal year 2002 and each of the 5 succeeding fiscal years.

A prior section 7103, Pub. L. 89–10, title IV, § 4003, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3673, set forth purpose of former provisions, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4003 of Pub. L. 89–10 was classified to section 3043 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

A prior section 7104, Pub. L. 89–10, title IV, § 4004, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3674, related to funding, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4004 of Pub. L. 89–10 was classified to section 3044 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

A prior section 7105, Pub. L. 99–570, title IV, § 4302, Oct. 27, 1986, 100 Stat. 3207–153, which established National Trust for Drug-Free Youth to encourage private gifts of property to assist the Secretary of Education in carrying out the national programs of drug abuse research, education, and prevention under subtitle B of title IV of Pub. L. 99–570, Oct. 27, 1986, 100 Stat. 3207–125 (former 20 U.S.C. 4601 et seq.), was omitted from the Code because of the repeal of subtitle B. Section was formerly classified to section 4665, and subsequently section 3225, of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

**SUBPART 1—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS****CODIFICATION**

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965, comprising this subpart, was originally added to Pub. L. 89–10, title IV, by Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1735. Subpart 1 is shown herein, however, as having been added by Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1968, without reference to the amendments by Pub. L. 107–110 because of the extensive revision of subpart 1 by Pub. L. 114–95.

**§ 7111. Purpose**

The purpose of this subpart is to improve students’ academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—

- (1) provide all students with access to a well-rounded education;
- (2) improve school conditions for student learning; and
- (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

(Pub. L. 89–10, title IV, § 4101, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1968.)

**PRIOR PROVISIONS**

A prior section 7111, Pub. L. 89–10, title IV, § 4111, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1735, related to reservations and allotments, prior to the general amendment of this subpart by Pub. L. 114–95.

Another prior section 7111, Pub. L. 89–10, title IV, § 4011 [4111], as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3674, related to reservations and allotments, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4101 of Pub. L. 89–10 was classified to section 3061 of this title prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

**EFFECTIVE DATE**

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

**§ 7112. Definitions**

In this subpart: